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BEFORE THE
ILLINOIS COMMERCE COMMISSION

ILLINOIS BELL TELEPHONE COMPANY)	DOCKET NO.
-vs-)	12-0182
HALO WIRELESS, INC.)	
)	
Complaint as to violations of an)	
interconnection agreement entered)	
into under 47 U.S.C. §§ 251 and)	
252 and pursuant to Section)	
10-0108 of the Public Utilities)	
Act.)	

Tuesday, June 5, 2012

Springfield, Illinois

Met, pursuant to notice, at 1:30 p.m.

BEFORE:

MS. JANIS VON QUALEN, Administrative Law Judge

APPEARANCES:

MR. DENNIS G. FRIEDMAN
MAYER BROWN, LLP
71 South Wacker Drive
Chicago, Illinois 60606

(Appearing on behalf of
Complainant)

SULLIVAN REPORTING CO., by
Carla J. Boehl, Reporter
CSR #084-002710

1 APPEARANCES: (Continued)

2 MR. KARL B. ANDERSON
3 225 West Randolph, Floor 25D
4 Chicago, Illinois 60606

5 (Appearing on behalf of
6 Complainant via teleconference)

7 MS. JENNIFER LARSON
8 McGUIRE, CRADDOCK & STROTHER, P.C.
9 2501 North Harwood, Suite 1800
10 Dallas, Texas 75201

11 (Appearing on behalf of
12 Respondent via teleconference)

13 MR. W. SCOTT MCCOLLOUGH
14 MCCOLLOUGH HENRY, PC
15 Bldg. 2-235
16 1250 South Capital of Texas Highway
17 West Lake Hills, Texas 78746

18 (Appearing on behalf of
19 Respondent via teleconference)

20 MR. MICHAEL LANNON
21 MS. KELLY ARMSTRONG
22 Office of General Counsel
 160 North LaSalle, Suite C-800
 Chicago, Illinois 60601

 (Appearing on behalf of Staff of
 the Illinois Commerce Commission
 via teleconference)

1		<u>I N D E X</u>			
2					
3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	RAYMOND W. DRAUSE				
5	By Mr. Friedman	47		93	
6	By Mr. McCollough		49		
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9					
10					
11					
12					
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PROCEEDINGS

JUDGE VON QUALEN: By the authority vested in me by the Illinois Commerce Commission, I now call Docket Number 12-0182. This docket concerns the complaint filed by Illinois Bell Telephone Company against Halo Wireless, Inc. The complaint was filed pursuant to Section 10-108 of the Illinois Public Utilities Act.

May I have the appearances for the record, first on behalf of the Complainant?

MR. FRIEDMAN: Representing AT&T Illinois, Dennis Friedman, Mayer Brown, L.L.P., 71 South Wacker Drive, Chicago 60606, and also on the phone is.

MR. ANDERSON: Karl B. Anderson, 225 West Randolph, Suite 25D, Chicago, Illinois 60606, also appearing on behalf of AT&T Illinois.

JUDGE VON QUALEN: And on behalf of the Respondent?

MS. LARSON: Yes, Your Honor, Jennifer Larson on behalf of Halo Wireless, Inc., the law firm of McGuire, Craddock and Strother at 2501 North Harwood, Suite 1800, Dallas, Texas 75201. And also

1 representing Halo Wireless, Inc., today is
2 Mr. McCollough.

3 MR. MCCOLLOUGH: Yes, I am here. Scott
4 McCollough with the firm of McCollough Henry, P.C.,
5 1250 South Capital of Texas Highway, 2-235, West Lake
6 Hills, Texas 78746, for the Respondent.

7 JUDGE VON QUALEN: And for Staff?

8 MR. LANNON: Thank you, Your Honor. Appearing
9 on behalf of the Staff of the Illinois Commerce
10 Commission, Mike Lannon and Kelly Armstrong, 160
11 North LaSalle Street, Chicago, Illinois 60601 and
12 that's Suite C-800.

13 JUDGE VON QUALEN: Thank you. Are there any
14 others wishing to enter an appearance?

15 (No response.)

16 Let the record show there are not.

17 As a preliminary matter, I have Halo
18 Wireless, Inc.'s, objection to the rebuttal testimony
19 of Raymond Drause. I have the response from AT&T
20 Illinois and the reply from Wireless. Those
21 objections are overruled.

22 I also received Halo Wireless, Inc.'s,

1 objection to the rebuttal testimony of J. Scott
2 McPhee, Mark Neinast and James Zolnierrek. I have
3 received the responses from AT&T and the reply from
4 Halo. Will Staff be filing a response?

5 MR. LANNON: Yes, Your Honor. We can file a
6 response pretty much any time you want it.

7 JUDGE VON QUALEN: Well, I need it in time to
8 read it before the next evidentiary hearing, June 13.

9 MR. LANNON: We can get it to you tomorrow and
10 that would provide Halo time to reply to it if they
11 want.

12 JUDGE VON QUALEN: That would be fine.

13 MR. LANNON: Thank you, Your Honor.

14 JUDGE VON QUALEN: This matter is scheduled for
15 an evidentiary hearing today. I understand we are
16 going to have cross examination of the Complainant's
17 witness Raymond Drause and Respondent's witness Russ
18 Wiseman. And Mr. Drause is here in front of me and,
19 Mr. Wiseman, would you both rise and raise your right
20 hand?

21 MR. WISEMAN: I am doing so.

22 (Whereupon the witnesses were

1 duly sworn by Judge Von Qualen.)

2 JUDGE VON QUALEN: Very good. And thank you to
3 the parties for providing me with a list of exhibits
4 for today.

5 So, Mr. Friedman, would you like to
6 call your witness?

7 MR. FRIEDMAN: AT&T Illinois calls Raymond
8 Drause.

9 RAYMOND W. DRAUSE
10 called as a witness on behalf of Complainant, having
11 been first duly sworn, was examined and testified as
12 follows:

13 DIRECT EXAMINATION

14 BY MR. FRIEDMAN:

15 Q. Good morning, Mr. Drause.

16 A. Good afternoon.

17 Q. Good afternoon. Just following suit.

18 Will you state your name and business
19 address for the record, please.

20 A. Raymond W. Drause, business address is 845
21 Stonewall Jackson Boulevard, Orangeburg, South
22 Carolina.

1 Q. Mr. Drause, do you have in front of you
2 your rebuttal testimony dated May 25, 2012, marked as
3 AT&T Illinois Exhibit 3.0 and its three exhibits,
4 namely Schedules RD-1, RD-2 and RD-3?

5 A. Yes.

6 Q. Did you prepare that testimony?

7 A. Yes.

8 Q. If I asked you today the questions that are
9 in that prefiled testimony, would you give the same
10 answers as appear there?

11 A. Yes.

12 Q. Do you have any corrections to your
13 testimony?

14 A. No.

15 MR. FRIEDMAN: With that we offer Exhibit 3.0
16 into evidence along with its attached schedules and
17 tender Mr. Drause for cross examination.

18 JUDGE VON QUALEN: I will hold on entering that
19 evidence until after the cross.

20 Halo may proceed with the cross
21 examination.

22 MR. MCCOLLOUGH: Thank you, Your Honor. This

1 is Scott McCollough. I will be conducting cross of
2 Mr. Drause, and I will just note for the record that
3 cross examination that follows is subject to and not
4 a waiver of our objections.

5 CROSS EXAMINATION

6 BY MR. MCCOLLOUGH:

7 Q. How are you today, Mr. Drause?

8 A. Doing well, thank you.

9 Q. Well, the voice may be disembodied, but
10 does it sound familiar to you?

11 A. I think I recognize your voice.

12 Q. We have gone through this a time or two, so
13 maybe we have kind of got it down. Let's see if we
14 can't make it a bit shorter. All right?

15 A. All right.

16 Q. Let's turn to your direct testimony on page
17 5.

18 A. Okay.

19 Q. On line 119 the last word on that line
20 starts a sentence that continues down through most of
21 line 122. Do you see that there?

22 A. Line 119, the last word down through 22?

1 Q. Yes, sir.

2 A. Okay.

3 Q. The sentence begins "The documents I

4 reviewed" and the sentence ends on line 122 "a tandem

5 switch."

6 A. Okay. I have got it.

7 Q. I want to visit with you just a moment

8 about your characterization of a telephone call. You

9 say, "The documents I reviewed also provided

10 information that describes how a telephone call would

11 enter a tower site and pass between the various

12 pieces of equipment."

13 You acknowledge, don't you, that at

14 the time this is occurring the communication is in IP

15 format, correct?

16 A. The portion of it that is passing through

17 the Halo Transcom network is IP, as I understand it,

18 yes.

19 Q. At this point it is in IP format. Wouldn't

20 it be a bit more technically proper to say that what

21 you really have is an IP session that is containing

22 information that represents a telephone call, rather

1 than actually denominating it as a call?

2 A. I think that probably just goes back to one
3 of the points that we have talked about many times.
4 And I guess from the perspective that I look at the
5 way that a telephone call occurs and flows through
6 the network, I think of it as the call existing at
7 all points through which the voice is passing from
8 the point of where the individual is speaking into
9 the mouthpiece of the telephone to the point where
10 that audio is reproduced at the terminating end, and
11 all of that flow constitutes the phone call, from my
12 perspective.

13 Q. Understood. But being it is in IP format,
14 it is not really proper to say that it is a call,
15 isn't that true? It is information that's in IP
16 format. It represents what is a call.

17 MR. FRIEDMAN: I am going to make two
18 objections now. The first objection is going to be
19 asked and answered. You asked the question. He gave
20 you an answer. You didn't like it; so you asked
21 again.

22 And the additional objection is we now

1 have a compound question. There are at least two
2 questions that you just asked, one having to do with
3 isn't it really an IP session and the other one being
4 isn't it incorrect to call it a call.

5 Q. Let me back up to try to address these.
6 You said a couple of things in your narrative in
7 follow-up to my last question that you answered. You
8 said you look at this from the network, from the
9 perspective of how it is passing through the network.
10 Would you agree with me that actually this call, as
11 you denominate it, passes through several different
12 networks?

13 A. Yeah, to the extent that, you know,
14 networks are portions of the path through which the
15 call passes are owned by different companies and
16 controlled by different companies, and each of them
17 exercises their individual controls over that
18 portion, then, you know, I would say, yes, that
19 constitutes multiple networks.

20 Q. Very good. Let me ask you a hypothetical,
21 and I recognize it is a bit extreme. But perhaps it
22 will illustrate what I am trying to get at in this

1 part of my cross of you.

2 Let's assume you had somebody that's
3 talking on the phone much as I am and somewhere in
4 the middle, in between where I am and where you are,
5 there is actually a speaker and my voice comes out of
6 the speaker and somebody is there listening to what
7 comes out of the speaker and then sends up smoke
8 signals that somebody else from a distance looks at
9 and then turns around and speaks into a microphone
10 words that you then hear.

11 Do you understand what I am trying to
12 illustrate there, the hypothetical?

13 A. I understand your hypothetical, I believe.

14 Q. All right. Now, is that a call?

15 MR. FRIEDMAN: I am going to object. The
16 objection is that the question is argumentative. It
17 is not a question about any fact. This is a labeling
18 exercise, and it is unclear against whose or what
19 definition of call the witness is supposed to match
20 up this extreme hypothetical in order to answer the
21 question.

22 MR. McCOLLOUGH: I agree with counsel that this

1 is a labeling exercise and right now I am using
2 Mr. Drause's labels, not mine.

3 JUDGE VON QUALEN: You may answer the question.

4 THE WITNESS: A. You know, it wouldn't be a
5 call from the way that I think about a telephone call
6 occurring because there are obviously multiple
7 individuals who are playing a role in the
8 transportation of that information.

9 BY MR. McCOLLOUGH:

10 Q. That's right. In fact, it would be two
11 calls, wouldn't it? It would be the call that gets
12 to the person who hears my voice and puts it in the
13 smoke signals and then there would be a call who
14 reads the smoke signals and speaks into a telephone
15 that you then hear. That's two calls, right?

16 A. Well, that would be at least -- assuming
17 that you were using a telephone to send this
18 information to the person that was sending the smoke
19 signals and then using a telephone from the point
20 where the speaker who is interpreting those signals
21 and sending it to the terminating point, yeah, there
22 would be two calls involved in that scenario. But I

1 don't know that I would refer to that overall
2 experience as being, you know, a telephone call. It
3 certainly wouldn't be in any context that I can
4 imagine.

5 Q. All right. Very good. Let's change this
6 hypothetical slightly. Instead of a person hearing
7 my voice and making the smoke signals, you have a
8 machine that interprets the voice and itself
9 generates the smoke signals, and then you have
10 another machine that reads those smoke signals and
11 creates a digital voice that speaks into a microphone
12 words that you then hear at your end. Would you
13 agree with me that that is also not a call?

14 MR. FRIEDMAN: I am going to have to object,
15 Your Honor, on grounds of relevance and speculation.
16 There is no way that this witness' answer to these
17 questions, which are not about facts or about any
18 opinion that the witness has expressed in his
19 testimony, could help the Commission decide this
20 case.

21 MR. MCCOLLOUGH: I disagree because, quite
22 frankly, what Mr. Johnson says can be very much

1 analogized to the smoke signal allegory. The
2 Transcom CFP platform is the equivalent of somebody
3 who is listening, creating smoke signals, and is
4 regenerating words at the other end that go through
5 the phone network. I am engaging in a bit of
6 allegory just to see what the witness would say.

7 JUDGE VON QUALEN: I am going to allow you to
8 answer the question if you can.

9 THE WITNESS: A. Okay. Well, you know, what
10 you describe is, I guess, very much like what's been
11 going on in the telephone network for a very long
12 time, what takes place when we make a call. We speak
13 into a microphone, we get a conversion of acoustical
14 energy into an electrical form. So there is a change
15 of form that's occurring there.

16 That signal flows over a pair of wires
17 typically to a central office. When it gets to the
18 central office, oftentimes when we transport it from
19 one central office to another, we use a carrier
20 system to do that. And when we do that, we use --
21 let's say it's Time Division Multiplexing, T carrier.
22 So we are converting that signal that started out as

1 an acoustical signal that was converted into an
2 analog electrical signal, we are now converting it
3 into a TDM format, and it goes through the network
4 that way.

5 It may be converted into an IP format
6 if -- let's say we are using a tandem switch that
7 happened to be a softswitch; it may get converted
8 into an IP form, and then finally, through a reverse
9 process, back to the call ID party that would be
10 changed back into a form that's an analog signal that
11 the human ear can interpret.

12 Q. Very well. So what you are saying is these
13 are mere changes of form; I get that. But in the IP
14 telephony world there is, in addition to merely the
15 changes of form which impact the transmission
16 portion, there are things such as digital signal
17 processors which are doing more than just doing an
18 analog to digital conversion. They are actually
19 acting -- they are actively monitoring and dealing
20 with the content of the information, isn't that true?

21 A. They may do that to some extent, yes.

22 Q. Thank you. Let's move on down a little bit

1 on page 5. You refer to the Dallas Softswitch
2 illustrated on your Schedule RD-3. That's on page 5,
3 lines 127 and 128.

4 Would you agree with me that the
5 softswitch is basically the call agent or the
6 mechanism that controls the way that the CPE at the
7 tower site initiates what you label a telephone call?

8 A. No, I wouldn't agree with you on that.

9 Q. You would not say it is a form of a call
10 agent?

11 A. I would not say that it is exercising any
12 control whatsoever over the CPE that exists at the
13 tower site.

14 Q. Perhaps I was unclear. Isn't that the
15 mechanism by which the call is managed when Transcom
16 is involved, the call agent, so to speak?

17 A. Well, as I have understood the testimony of
18 Mr. Johnson and Mr. Wiseman in the past, they have
19 described that the softswitch, the brains of the
20 softswitch in Dallas is, I think they have referred
21 to it, is the intelligence which determines what path
22 the call should follow as it is moved from one

1 location to the next.

2 Q. Very well. So the softswitch is the
3 substitute for the intelligence that you assert would
4 exist in a normal cell phone, isn't that true?

5 A. No, I wouldn't agree to that. The
6 softswitch is merely taking the intelligence that was
7 transferred from the person who originated the call
8 and sent onto the network. It takes that
9 intelligence and it uses those commands which it was
10 given to set up a call path so that the call is able
11 to make it to its final destination.

12 Q. And part of that call path is through the
13 CPE that Transcom uses at the base station site,
14 isn't that true?

15 A. As I understand it, that's the way that you
16 are describing it, yes.

17 Q. Thanks. Moving over to page 6, line 139
18 you have a sentence that begins "The function" and
19 then it continues over to line 140. "The function of
20 the Airspan equipment is simply to transport the IP
21 data stream from one place to another." Is that just
22 another way of saying that the Airspan equipment,

1 both the CPE and the base station, are simply what
2 establishes the physical layer connection as the
3 substitute for or as an alternative to the Ethernet
4 cable that you say could just as easily be used?

5 A. It does provide that similar functionality.

6 Q. So this wireless portion is -- it is the
7 physical layer, the transmission portion over which
8 intelligence can then flow, true?

9 A. Yes.

10 Q. All right. Let's talk about a regular cell
11 phone. A regular cell phone will have a radio in it,
12 won't it?

13 A. Yes.

14 Q. Isn't it true that the purpose of the radio
15 in a regular cell phone is to establish and manage
16 the physical layer connection between the cell phone
17 and the base station that serves it at the time?

18 A. That would be its primary purpose, yes.

19 Q. The radio itself cannot launch a call, can
20 it?

21 A. I guess if you tear the phone apart and
22 have simply the radio there, the radio sitting there

1 by itself isn't able to do anything, other than...

2 Q. That's right.

3 A. ..take information from one point to

4 another.

5 Q. And to establish and manage a physical

6 layer connection between the rest of the device over

7 which information flows from the device to the base

8 station that serves it. Are we together?

9 A. Okay.

10 Q. I am sorry, was that a yes?

11 A. Yeah, I think I understand what you have

12 said.

13 Q. Okay. There needs to be some other

14 functionality, whether it is built into this cell

15 phone that the user has or perhaps elsewhere, that

16 incorporates what some might say uses the basic call

17 model, a telephony client. It manages the

18 establishment of a session that has media or audio

19 such as voice, isn't that true?

20 A. I am sorry. Could you read that back? I

21 didn't get all of it.

22 (Whereupon the requested portion

1 of the record was read back by
2 the Reporter.)

3 A. Yeah, if you tear apart the cell phone,
4 there are going to be -- the cell phone itself is
5 going to have elements of it that are going to take
6 the human voice, translate it into a form that can be
7 sent out over the radio, that will take the signaling
8 information that's dialed into the phone, put that
9 into a form that is sent out over the radio, if
10 that's what you are meaning.

11 Q. Yes, sir. Yeah. Do you have in front of
12 you what we have tried to distribute as Halo Cross
13 Examination Exhibit 2?

14 A. Yes, Exhibit 2?

15 Q. Yes, sir.

16 A. Okay.

17 (Whereupon Halo Cross Exhibit 2
18 was presented for purposes of
19 identification as of this date.)

20 Q. Can you tell what that is?

21 A. It appears to be a dongle of some variety.

22 Q. Yes. And by dongle, you mean it is a radio

1 that can be attached to something like, say, a laptop
2 or a personal computer or maybe a Smart phone through
3 a USB plug, do you agree with me?

4 A. Yeah, I don't know that I have ever seen
5 anything that could be attached to a Smart phone like
6 that but certainly a laptop.

7 Q. Okay. Well, maybe Smart phones have
8 mini-USB connectors, don't they?

9 A. I believe some of them do, yes.

10 Q. Yeah, M-I-N-I?

11 A. Right.

12 Q. Okay. So if the Smart phone itself had the
13 drivers in it, then perhaps it could even be used in
14 a Smart phone, isn't that true?

15 A. Well, if a Smart phone has the similar
16 capabilities to a laptop computer and if you could
17 run the same software on that Smart phone as you run
18 on a laptop computer and if one of those programs
19 that you ran on the laptop was, let's say, something
20 like a magic jack, then, yeah, you could conceivably
21 plug that in and have that capability.

22 Q. Okay, very good. Now, this device that we

1 are looking at in Cross Examination Exhibit 2 -- and
2 oh, by the way, I would like to offer Cross
3 Examination Exhibit 2, if I may.

4 MR. FRIEDMAN: You are offering it into
5 evidence?

6 MR. McCOLLOUGH: Yes.

7 MR. FRIEDMAN: As what? As a piece of real
8 evidence or as a demonstrative exhibit?

9 MR. McCOLLOUGH: It could be demonstrative.

10 MR. FRIEDMAN: Then I don't think it has to go
11 into evidence.

12 MR. McCOLLOUGH: I will await a ruling by the
13 Judge.

14 JUDGE VON QUALEN: You are objecting to it?

15 MR. FRIEDMAN: Well, I object to its admission
16 into record as evidence.

17 JUDGE VON QUALEN: And what's the basis of your
18 objection?

19 MR. FRIEDMAN: It doesn't have any tendency to
20 demonstrate anything. I have no objection -- what we
21 have here is what appears to be a photograph, right?
22 It hasn't been authenticated by anyone. In other

1 words, we don't have anyone here to say this is a
2 picture of such and so which I took with my such and
3 so camera on such and such a date. It is some kind
4 of picture.

5 The witness has allowed as how it
6 appears to him to be some sort of dongle. I have no
7 objection to the record reflecting the fact that
8 there is this piece of paper with this thing on it
9 that the witness said appears to be some sort of
10 dongle, but I don't believe that warrants admission
11 into evidence because I don't believe it has any
12 tendency to show anything.

13 On the other hand, if that's
14 troublesome, I guess I really don't care at the end
15 of the day, so you can let it in.

16 JUDGE VON QUALEN: Mr. McCollough, do you have
17 any response?

18 MR. MCCOLLOUGH: No, Your Honor, I mean, I
19 think it has been sufficiently authenticated. The
20 witness pretty clearly almost immediately recognized
21 what it was. On the other hand, if it is giving Your
22 Honor problems, then you can -- so long as it is

1 accepted as a demonstrative exhibit, then I am okay
2 with that. I have often seen exhibits admitted as
3 demonstrative.

4 JUDGE VON QUALEN: I will admit it as a
5 demonstrative exhibit.

6 MR. McCOLLOUGH: Thank you.

7 (Whereupon Halo Cross Exhibit 2
8 was admitted as demonstrative.)

9 BY MR. McCOLLOUGH:

10 Q. Mr. Drause, a dongle such as this, I
11 believe you just said, can't by itself launch a call,
12 can it?

13 A. Well, I can't tell by looking at it what it
14 is able to do, just by looking at that picture.

15 Q. Assume it is just a radio that must -- that
16 does not have any more call launching capabilities
17 than the Airspan MIMAX Pro-V CPE that Transcom uses.

18 A. Yeah, if it has -- if it is just a radio,
19 it is just a radio. It doesn't have any capabilities
20 to do anything more than transport information from
21 one point to another.

22 Q. Establishes the physical layer transmission

1 method between some -- between the radio and the base
2 station. Okay. Many CMRS providers sell dongles
3 such as these, don't they?

4 A. I believe they sell dongles, yes.

5 Q. Are you aware of any that has an inherent
6 ability to launch a call separate and apart from the
7 device to which it is attached?

8 A. I am really not very much aware of the
9 capabilities of them, other than a general way, so.
10 I am not aware of any that have any ability like
11 that.

12 Q. Very good. Thank you. Let me ask you a
13 couple of questions about your understanding of the
14 Airspan MIMAX Pro-V CPE that Transcom uses in
15 particular. Wouldn't you agree with me, sir, that if
16 you separate that particular piece of equipment from
17 the way that it is being used from Transcom, just
18 take the equipment itself, do you agree with me that
19 somebody could take an Airspan MIMAX Pro-V CPE, put
20 it on a ten-foot pole, mount it on a truck, use
21 battery-operated power, plug it in with an RJ-45 jack
22 to a laptop and drive around and use its radio

1 capabilities for so long as the device itself was in
2 line of sight of the base station and sufficiently
3 proximate to it to get a good signal?

4 A. Well, there are a few things that would
5 have to occur. The MIMAX Pro-V has an antenna built
6 into it that's a very high gain antenna, 15 dbi. And
7 an antenna that has a lot of gain like that is
8 extremely directive, so it has a very narrow beam
9 width. And so if you attempt to use that in a mobile
10 situation, you have to constantly keep that antenna
11 oriented right at the tower site. You go around a
12 corner, that antenna is pointed away from the tower
13 site, you will lose connectivity and your -- whatever
14 you are trying to pass over that circuit goes away.

15 The other thing that can happen is
16 that for the band of operation that you are using
17 here, 3.65 gigahertz, it does not -- well, it is
18 unlike the 800 megahertz or 700 megahertz or 1.9
19 gigahertz type frequencies that are normally used by
20 CMRS providers because the user does not have
21 exclusive use of that spectrum.

22 The way that the 3 .65 gigahertz

1 spectrum has been put out there by the FCC, is that
2 if you spend the money and you buy a license, you are
3 allowed to operate your equipment in that part of the
4 spectrum. And the way that the FCC has envisioned
5 this thing working is that, if there are multiple
6 users within a particular geographic area that may
7 interfere with one another, what they have
8 essentially said is that, hey, it is kind of up to
9 you guys to make sure that you don't interfere with
10 one another.

11 So if someone comes along and puts a
12 system in place and it happens to be interfering with
13 someone else that's already in use on that frequency,
14 then you are going to have interference. And unlike
15 the frequencies that are typically used by CMRS
16 licensees, there is no immediate way to gain any kind
17 of clearing of that problem. It becomes a long-term
18 issue. You have to try to work it out between the
19 parties.

20 And as of the last probably about six
21 months ago, the last time I looked, this licensing
22 arrangement has been in place for several years now,

1 and there has not been, that I have seen at least,
2 any kind of FCC action where they have been willing
3 to get involved in resolving these problems with
4 interference.

5 And so that's kind of a long way of
6 saying that interference on this band is a
7 possibility that can be a real problem. And even
8 though you may be driving around within fairly close
9 proximity to the tower, you are faced with the
10 problem I just mentioned about the narrow beam width
11 of the antenna. You are also faced with the
12 possibility of interference.

13 And the bigger issue that Transcom and
14 Halo face here is that when you look at that MIMAX
15 Pro that you have been talking about, the telephone
16 calls that are passing over that MIMAX Pro, they
17 typically come into the building that that MIMAX Pro
18 is mounted on. And when they come into that
19 building, they are coming in typically on cable pair
20 or on fiber.

21 MR. MCCOLLOUGH: Okay, now I am going to start
22 to object, Your Honor, if I could. I am sorry for

1 the interruption. The witness has now stepped far
2 outside my question. For purposes of my question I
3 asked him to separate the equipment from the
4 particular use that Transcom is putting to it.

5 THE WITNESS: I am sorry.

6 MR. FRIEDMAN: Well, with all respect, I think
7 the proper way to do is to let -- I don't think there
8 is ever a proper reason to interrupt the witness.
9 Let him finish and then if you have an objection, I
10 think you state it and you can move to strike.

11 MR. MCCOLLOUGH: Well, the parties should be
12 ready because I am going to do that starting as soon
13 as he mentions Transcom.

14 JUDGE VON QUALEN: All right. I think we can
15 just move on to another question then.

16 BY MR. MCCOLLOUGH:

17 Q. All right. First of all, would you agree
18 with me that while the 3650 spectrum does not give
19 exclusive use, the FCC has required those operating
20 within it to cooperatively engage in spectrum
21 management?

22 A. They have done that, but they have not

1 really offered any methodology that has to be used to
2 do that. And the problem is, is that when you are
3 offering a paying service over -- or using 3.65
4 gigahertz and you have interference, it has a
5 potential to be debilitating and totally destroy the
6 ability to provide service. And, you know, you have
7 no relief to immediately resolve those issues, unlike
8 the situation that exists when you are using 700 or
9 850 or 1.9, any of those types of frequencies. So
10 that's just the reality of it.

11 Q. Are you asking the Illinois Commission to
12 say that 3650 just simply should not be used for CMS?

13 A. No, I am just reporting to you the
14 technical facts here.

15 Q. Very good. Would you agree with me the FCC
16 rules in Part 90(C) also require that the devices
17 basically have a software defined radio capability
18 with the contention protocol?

19 A. Yes.

20 Q. Thank you.

21 A. But that contention protocol, I believe, is
22 more directed towards non-interference with some

1 earth stations that are used for satellite
2 communications, that there are several of them that
3 still exist in the United States. And the reason for
4 that capability was to insure the safety of those
5 communications that are going on between the earth
6 station and the satellites.

7 Q. Are you sure about that? Isn't it true
8 that the FCC just said you can't do 3650 in certain
9 zones where these space stations exist?

10 A. You may use it within those regions, but
11 you have to coordinate with the users with those
12 earth stations and make sure that the orientation of
13 your antennas and the power levels are such that no
14 interference should take place. But where you have
15 mobile units that may be traveling around, they have
16 to have the ability to basically shut down should
17 they be in proximity to a station that they may cause
18 interference to.

19 Q. This contention protocol would also cause
20 stations that are within the 3650 band to be polite
21 to each other as well, much like the way WiFi works,
22 isn't that true?

1 A. Some of them may do that. There are two
2 different versions of the equipment that are out
3 there. There is one version that was limited to only
4 using the bottom 25 megahertz of that band that are
5 not required to have that protocol in them. In order
6 to use the entire 50 megahertz of the band, you have
7 to have equipment that has that capability inherent
8 in it.

9 Q. All right. Let's get back to my original
10 question then, the hypothetical of somebody taking
11 this equipment and putting an antenna on a pole and
12 being able to drive around. Now, you have testified
13 that it may be a bit ungainly, it may be a bit
14 difficult, it may be limited, but don't you agree
15 with me it is capable of use while in motion?

16 A. You know, if I have to remove pragmatism
17 from the equation, then theoretically that could be
18 the case. On a practical implementation I have
19 literally never seen it done nor have I heard of it
20 being done, and I doubt the ability to do it in any
21 kind of a way that I am aware of.

22 Q. Nonetheless, you acknowledge that from a

1 technical perspective it is capable of being used
2 while in motion, even if you don't particularly think
3 it is very useful?

4 A. Well, and it depends upon the length of the
5 motion, too. If you want to move six inches at a
6 time, then yes. If you are trying to turn corners
7 and actually use it while driving, I think it lacks
8 any practical application.

9 Q. Thank you. Let's move down on page 7 on
10 line 172 over to line 173. You say, "If the Airspan
11 equipment were replaced by a piece of Ethernet cable,
12 the call would be completed just as it is today." Do
13 you see that?

14 A. Yes.

15 Q. You could not make that assertion if the
16 distance was, say, 350 feet rather than the current
17 approximate 157 feet, could you?

18 A. Well, in order for it to be any further
19 away than 328 feet which is the length of the CAT5
20 cable that you can use without having repeaters or
21 regenerators in it, you are limited to 328 feet. If
22 you want to go any further than that, you have to

1 have some kind of a device to regenerate the signal
2 or you would have to use something like fiber optic
3 cable that wouldn't have any kind of practical
4 application for distance.

5 Q. Okay. Let's take a look then just for a
6 moment, if you could, at Cross Examination Exhibit 1.
7 Do you have that, sir?

8 A. That's the blue --

9 Q. Yes, sir?

10 A. Ethernet cable.

11 Q. Yeah. Since I am not around like I was in
12 the other states to pull one out of my pack, I
13 thought I would give it to you.

14 A. Yeah, yours was gray, I believe.

15 (Whereupon Halo Cross Exhibit 1
16 was presented for purposes of
17 identification as of this date.)

18 Q. That looks like something either a CAT5 or
19 CAT6 cable?

20 A. Yes.

21 MR. MCCOLLOUGH: All right. Just in case
22 anybody didn't know what it is. Once again, Your

1 Honor, I will offer this and this time I will just go
2 ahead and do it for demonstrative purposes.

3 MR. FRIEDMAN: No objection.

4 JUDGE VON QUALEN: It is admitted.

5 (Whereupon Halo Cross Exhibit 1
6 was admitted as demonstrative.)

7 A. And if I am permitted, that cable that we
8 are talking about is the cable that in testimony was
9 the cable that I noted if we were to simply take the
10 green arrow as it leaves the extreme network switch,
11 to unplug the CAT5 cable that's plugged in there and
12 take this CAT5 that's in the exhibit and plug it into
13 the Halo router over here, we would be able to pass
14 that signal from the Ethernet switch, plug one end of
15 that blue CAT5 into the extreme network switch, plug
16 the other end of it here into that Halo router, and
17 that's the way to eliminate the Halo radio equipment
18 entirely.

19 Q. But then it wouldn't be wireless then,
20 would it, sir?

21 A. No, it would not.

22 Q. Thank you.

1 A. And it may not be today. I am not sure. I
2 guess that's what this is all about.

3 Q. You are not here to give us legal opinions.
4 You know, I guess we could all sit around and figure
5 out whether this competition experiment was worded
6 and whether we needed competitors to begin with, but
7 I won't get into that with you, Mr. Drause.

8 Let's visit a little bit more about
9 this WiMAX Pro-V CPE. Would you agree with me if you
10 were to turn that equipment off for a moment and then
11 turn it back on again, it would originate a
12 communication to the base station?

13 A. I would agree that if you were to take that
14 equipment and set it up with just the base station
15 and just the Pro-V, nothing else hooked up to it at
16 all, if you had previously provisioned each of those
17 radios so that the radios would recognize one
18 another, that when you turned those radios up, that
19 the radios would go through a process where they
20 basically would say, okay, I am the base station, I
21 am looking to see if there is a piece of equipment
22 out there to communicate with me; oh, I see you MIMAX

1 Pro-V; yes, you do contain the authorization that's
2 necessary for me to establish communications with
3 you, and the link would be established.

4 Q. Okay. That's initiation of communication?

5 A. Well, I wouldn't call it that. You know,
6 it's an internal system testing capability, you know.
7 What I said in testimony was that that equipment
8 lacked any kind of externally controllable
9 capabilities for dynamically changing the packets. I
10 didn't say that the unit itself lacked the
11 intelligence to be able to manage itself. And what
12 you are describing is part of that self-management.

13 Q. Sure. But if the base station is turned
14 on, it is listening, the WiMAX Pro-V CPE is turned
15 off and turned back on again, it is going to come up
16 and it is going to start squawking; and it is going
17 to go here I am, here I am, please let me in to the
18 base station, isn't it?

19 A. Yes.

20 Q. And the base station will say, oh, I
21 recognize you, you are authenticated, you are on the
22 network, right?

1 A. That's right.

2 Q. All right. Isn't that the establishment of
3 the telecommunication?

4 MR. FRIEDMAN: Objection, that is pure
5 argument. That really is not a proper -- that's a
6 philosophical question. It has nothing to do
7 actually with any issue in this case.

8 JUDGE VON QUALEN: Sustained.

9 Q. All right. Let's turn to your page 9.

10 A. Okay.

11 Q. Lines 223 to 224. Your sentence says, "To
12 qualify as an end service, counsel further advises a
13 service must be not incidental to a telecommunication
14 service." Do you see that there?

15 A. Yes.

16 Q. I understand that counsel has advised you
17 of this, but let me ask you a question. Logically
18 speaking doesn't that -- necessarily assume that
19 there was -- communication for this to begin with?

20 JUDGE VON QUALEN: I am sorry, sir. You have
21 cut out so we couldn't exactly hear your question.

22 Q. I am sorry. Doesn't that instruction to

1 you by counsel logistically and necessarily assume
2 that there is a telecommunication service to begin
3 with?

4 MR. FRIEDMAN: I have to object, Your Honor.
5 And the reason for the objection is in the most
6 classic sense that question is argumentative, which
7 means it does no more than to ask the witness to
8 engage in a logistical exercise. That's for briefs.

9 If Halo wants to argue in its brief
10 that some position that AT&T asserts in this case
11 necessarily implies something, Halo is free to do
12 that. It is not proper to ask any witness to engage
13 in an exercise like that. That is not a matter of
14 fact nor is it a subject in which this witness
15 purports to be expert. He is not an expert logician,
16 for example. And as the form of the question
17 admitted, it merely seeks engagement in logical
18 exercise having to do with sentence structure.

19 JUDGE VON QUALEN: Mr. McCollough?

20 MR. MCCOLLOUGH: Well, these instructions form
21 the basis of his opinions that follow. And his
22 opinion is essentially that the things that Transcom

1 does are no different than what other providers have
2 been doing. And in order for him to reach that
3 opinion, he has to logically understand this
4 instruction so that he can then plug it into his
5 ultimate conclusion.

6 MR. FRIEDMAN: Actually -- I am sorry, were you
7 done? Because actually that is absolutely incorrect.
8 All the witness needs to do and all he has done is to
9 accept on faith, if you will, the advice of counsel
10 which you are free to argue in your briefs was wrong.
11 He accepts counsel's advice and declares what it is
12 as a predicate to what he then says about the facts.

13 If you are able to establish in your
14 brief that he was given bad advice, then you will
15 have succeeded in undercutting his conclusions. But
16 it is not for him to engage in logical exercises with
17 you about the implications of counsel's advice.

18 MR. McCOLLOUGH: I disagree but I will await
19 Your Honor's ruling.

20 JUDGE VON QUALEN: I am going to sustain the
21 objection.

22 BY MR. McCOLLOUGH: Very well.

1 Q. Mr. Drause, is it your conclusion that
2 everything that Transcom is doing is merely
3 incidental to a telecommunication service?

4 A. I guess the way that I would put it is that
5 I haven't found anything that they are doing that
6 appears to be any different from what is being done
7 when other users of softswitch technology and IP
8 technology use that technology to carry telephone
9 calls.

10 Q. And, therefore, all of these things are
11 incidental to the provision of a telecommunication
12 service; isn't that what you are saying?

13 A. To the extent that any of the call
14 conditioning that is being done is incidental, then
15 yes, it would be incidental.

16 Q. All right. In order for something to be
17 incidental to something else, that something else has
18 to exist to begin with, doesn't it?

19 MR. FRIEDMAN: Objection. Again, this is just
20 a waste of time to play word games with the witness.
21 The core of the witness' testimony is on the page and
22 it is that what Transcom says it is doing is, as the

1 witness understands it, no more than lots of other
2 folks with softswitches do when they are an enhanced
3 services.

4 I guess if you want to spend the time
5 debating about the implications of the word
6 "incidental" and if it is okay with Her Honor, then
7 fine. But I do object because it really is improper.

8 MR. McCOLLOUGH: I was going to move on after
9 that question, Your Honor.

10 JUDGE VON QUALEN: I am going to sustain the
11 objection.

12 MR. McCOLLOUGH: I am sorry, you sustained?

13 JUDGE VON QUALEN: Yes.

14 BY MR. McCOLLOUGH:

15 Q. All right. Let's move on over to page 10.
16 On line 252 to 253 you say, "The sound heard by the
17 receiver and any communication involving the
18 softswitch is not exactly the sound transmitted, but
19 rather portions of it have been created by the system
20 to enhance the delivered sound." Do you see that?

21 A. Yes.

22 Q. So would you agree with me that you are

1 saying there is a change in the content; it is just
2 in your opinion it is not enough of a change?

3 A. Enough of a change for what?

4 Q. Well, I don't know. That's up to you. It
5 is not a sufficient change to render it not
6 telecommunications?

7 A. Well, I have made a concerted effort to not
8 talk about the legal definitions of things like
9 telecommunications versus whatever. I really am
10 happy to answer any question that's related to a
11 technical issue, but I think that's really a legal
12 issue, is it not?

13 Q. I guess it is. But just so we are all
14 clear, you do acknowledge there is a change to the
15 content?

16 MR. FRIEDMAN: Objection. That
17 mischaracterizes the testimony. The word "content"
18 does not appear in lines 252 to 254.

19 Q. All right. Then I will rephrase. There on
20 252 and 253 you are acknowledging that there is some
21 change to the sound as received from the sound that
22 was sent, isn't that true?

1 A. Well, what I was referring to there is
2 really --

3 Q. That's a yes or no. That's a yes or no,
4 Your Honor, please.

5 A. Okay. Would you read that question back to
6 me again, please?

7 Q. Isn't it true that your testimony on lines
8 252 to 253 on page 10 of your testimony does
9 acknowledge that there is some change as between the
10 sound that is transmitted on one end and the sound
11 that is received on the other end?

12 A. Under some circumstances that may be true.

13 Q. Thank you. Let's see if we can make sure
14 about something you are not testifying concerning.
15 Hopefully, this will be very short.

16 Does your testimony in any way address
17 the question of whether Transcom is a common carrier?

18 A. Since that's a legal issue, I have not
19 attempted to address it in any way.

20 Q. Okay. So the answer is no?

21 A. Yeah, the answer would be no.

22 Q. Okay. On page 12 the testimony on your

1 answer that begins on 278 and goes almost all the way
2 down, I guess ending on line 297, what you are
3 basically saying is whatever Transcom may be doing
4 within its own platform would be lost insofar as one
5 of the end points is on the Legacy circuit switch TDM
6 network because of the constraints of the narrow band
7 system, isn't that true?

8 A. Well, I didn't say that everything that was
9 done would be lost. What I said was that the
10 enhancement that Mr. Johnson had described to add
11 back into the call somehow frequencies that may have
12 been present when the individual spoke into the
13 microphone but which fell outside of the range of
14 frequencies that the telephone system is capable of
15 transmitting, that those frequencies that reside
16 outside of that range that the system is capable of
17 transmitting, that Transcom claims to be creating,
18 those would be lost because the system is unable to
19 transport things outside of this voice frequency
20 range.

21 Q. Okay. And when you say "the system" here,
22 you are talking about the circuit switch network?

1 A. Yes.

2 Q. Okay. So you are not saying that within
3 Transcom's own platform it can't do these things?

4 A. You know, I haven't been allowed to look at
5 the capabilities of that platform. I have to rely
6 upon the testimony that I have heard from Transcom
7 witnesses. So I know that they are claiming that
8 they are doing these things. And my point here is
9 that, you know, they may claim they are doing this,
10 but it's of no consequence because it is not anything
11 that would be noticed by the end user.

12 Q. If the end user is on the circuit switch
13 public switched network?

14 A. Yeah, if the call is passing through the
15 PSTN.

16 Q. Very well. You would agree with me,
17 however, that the silence -- I am sorry, comfort
18 noise generation, that would be perceptible to
19 somebody on the PSTN, wouldn't it?

20 A. It depends upon the quality of the service
21 that they enjoy at the end of the circuit. For
22 instance, if you are terminating a call, let's say

1 you have a central office and you are serving a rural
2 customer where you may have a long loop that's going
3 out to that customer, and if that long loop -- let's
4 say the capable pair is not well-balanced. And if it
5 is a long loop, there is a fair amount of loss. You
6 can have noise on the circuit, may have a little hum,
7 so that you can -- it is perfectly usable from the
8 standpoint of being able to speak and hear what's
9 going on, but the noise level on it might be such
10 that you wouldn't be able to perceive whether or not
11 there was comfort noise in there or not, simply
12 because the quiescent noise that already exists on
13 that pair would mask anything like that from showing
14 up.

15 Q. Well, you are here for AT&T in this case,
16 right?

17 A. Well, I am just representing the technology
18 and the technical facts. But, yes, I am working for
19 AT&T in this case, yes.

20 Q. All right. So let's assume the call is on
21 AT&T's circuit switch network and it is, of course,
22 the fine quality that AT&T says that its service

1 provides without such problems like some of the
2 rurals have. Okay?

3 A. Well, they do have -- they do serve rural
4 customers. And just as a point of fact, about three
5 weeks ago I consulted with one of the other engineers
6 in our company who was working on a noise problem on
7 an AT&T rural line that was having problems with
8 noise that was being introduced by the electric
9 provider and some issues that they had.

10 So unfortunately, the physical
11 realities of the world don't limit themselves to only
12 independent companies. AT&T and anybody else that
13 has long loops is going to possibly have the same
14 issues.

15 Q. Well, absent this kind of service quality
16 problem, the comfort noise generation, the audio that
17 is generated by Transcom's system, would be
18 perceptible to the users, right?

19 A. Well, since you are using a softswitch and
20 since comfort noise generation is one of the
21 capabilities that softswitches typically have and
22 that's what other people using softswitches do so I

1 am presuming that you would be doing the same thing,
2 and to the same extent that that's noticeable on
3 someone else's softswitch, it would be noticeable as
4 a result of yours as well.

5 Q. All right. So if you happen to actually be
6 able to compare the noise that was put into the phone
7 on one end to the noise that came out of the phone on
8 the other end, to actually see both ends and hear
9 them, one would be able to tell that what came out
10 was different than what came in, isn't that true?

11 A. It depends on the amounts of noise that
12 were present at the various points. But you may be
13 able to notice a difference, yes.

14 Q. Thank you.

15 A. And just to follow up, that's why that
16 capability is built into softswitches, because it
17 does serve a purpose.

18 Q. Last little piece here and then I will be
19 able to let you go, Mr. Drause.

20 Take a look at your Schedule RD-3, if
21 you would?

22 A. Okay.

1 Q. Down at the bottom left-hand side where you
2 have Transcom's data center depicted?

3 A. Yes.

4 Q. Would you agree with me that some of these
5 calls are likely to also be processed by the media
6 gateway even though in your little stack here it
7 looks as if they are not?

8 A. Well, what I have shown is, I have created
9 what's called an Equipment Cloud, I have labeled it.
10 And the reason for use that cloud structure is simply
11 that there are different degrees of connectivity
12 between the different elements that reside within
13 that cloud. And I wasn't attempting to illustrate
14 how those different components that reside within the
15 cloud were interconnected with one another; I was
16 simply showing that they were present and, you know,
17 they may play a part in the processing of the call.

18 Q. Thank you. So I can take that as a long
19 yes? I don't mean to be argumentative.

20 A. No, no, and I am sorry, I don't remember
21 what the question was.

22 Q. The calls at issue here, the ones AT&T is

1 complaining about, the media gateway depicted there
2 on Transcom's data center may very well be involved
3 in some of these calls, if not all?

4 A. Yeah, the short answer is yes.

5 MR. MCCOLLOUGH: Okay. Thank you. That's all
6 I have, Your Honor.

7 MR. FRIEDMAN: Actually, I am going to ask just
8 one question on redirect, if I may, just on the very
9 last point seeking further clarification.

10 REDIRECT EXAMINATION

11 BY MR. FRIEDMAN:

12 Q. You see how you position the arrows next to
13 that box?

14 A. Yes.

15 Q. Was the position of the arrows intended to
16 imply or suggest that calls were passing through the
17 session border controller as opposed to other pieces
18 of equipment in the cloud?

19 A. No, it was not.

20 Q. Okay.

21 A. And just to amplify that, if you look up at
22 the building and you look at the arrows that are

1 shown in the equipment in the building, you will
2 notice that I have little dashed lines that are
3 showing that the call does indeed pass through that
4 particular piece of equipment. And if I am
5 enlightened as to how I might eliminate confusion
6 from it, I would be happy to modify the drawing so
7 that where I don't have those little dashed lines
8 that perhaps the confusion is lessened.

9 MR. FRIEDMAN: I think we are probably clear.
10 I don't have any other questions.

11 JUDGE VON QUALEN: All right. Any recross?

12 MR. MCCOLLOUGH: No, Your Honor.

13 JUDGE VON QUALEN: All right. Well, are there
14 any objections to AT&T Illinois Exhibit 3.0 with
15 attached Schedules RD-1, RD-2 and RD-3?

16 MR. MCCOLLOUGH: No, we have prefiled our
17 objections and stand on them.

18 JUDGE VON QUALEN: Very well. Those objections
19 have been overruled, so Exhibit 3.0, Schedule RD-1
20 through RD-3 are admitted into evidence.

21 (Whereupon AT&T Exhibit 3.0 was
22 admitted into evidence.)

1 JUDGE VON QUALEN: Thank you, Mr. Drause.

2 THE WITNESS: Yes, ma'am. Thank you.

3 (Witness excused.)

4 MR. MCCOLLOUGH: And, Your Honor, just for

5 everybody's ease, I am going to go ahead and put you

6 all on mute although I am going to stay on the line

7 here. My compatriot will be defending our witness.

8 JUDGE VON QUALEN: Very well. Thank you,

9 Mr. McCollough.

10 MR. MCCOLLOUGH: Thank you.

11 JUDGE VON QUALEN: My understanding is that

12 AT&T Illinois does not have any cross for

13 Mr. Wiseman, but he is present to put his testimony

14 into evidence, is that correct?

15 MR. WISEMAN: Yes, Your Honor.

16 JUDGE VON QUALEN: And, Mr. Lannon, I didn't

17 ask you, but my understanding was Staff had no cross

18 for Mr. Drause?

19 MR. LANNON: That's correct, Your Honor.

20 JUDGE VON QUALEN: And no cross for Mr. Wiseman

21 as well?

22 MR. LANNON: That's also correct, Your Honor.

1 JUDGE VON QUALEN: Very well. Ms. Larson, are
2 you going to offer Mr. Wiseman's testimony?

3 MS. LARSON: Yes, Your Honor, Jennifer Larson
4 on behalf of Halo Wireless, Inc.

5 RUSSELL WISEMAN
6 called as a witness on behalf of Respondent, having
7 been first duly sworn, was examined and testified as
8 follows:

9 DIRECT EXAMINATION

10 BY MS. LARSON:

11 Q. Mr. Wiseman, I will just ask you a couple
12 of quick questions. Could you state your name and
13 business address for the record.

14 A. Russell Wiseman. My business address is
15 2351 West Northwest Highway, Dallas, Texas 75220.

16 Q. And do you have your prefiled testimony
17 dated May 15, 2012, in front of you here today?

18 A. I do.

19 Q. And the exhibits attached thereto as well?

20 A. I have them as well.

21 Q. And did you create this prefiled testimony?

22 A. I did.

1 Q. And if I were to ask you the same questions
2 today, would your answers be the same?

3 A. They would be.

4 MS. LARSON: I would move to admit the prefiled
5 testimony, Docket Number 30, as well as Exhibits 1
6 and 2 into the record.

7 JUDGE VON QUALEN: Just for clarification as
8 far as the exhibit goes, I am going to suggest that
9 we call it Halo Exhibit 1.0 with attachments Exhibit
10 RW-1 and RW-2. Is that acceptable, Ms. Larson?

11 MS. LARSON: That is acceptable, Your Honor.
12 Thank you.

13 JUDGE VON QUALEN: Are there any objections to
14 Mr. Wiseman's exhibit, Halo Exhibit 1.0 with
15 attachments?

16 MR. FRIEDMAN: AT&T Illinois does not object.

17 JUDGE VON QUALEN: Hearing no objections, the
18 direct testimony of Mr. Wiseman man, Halo Exhibit 1.0
19 with attachments Exhibit RW-1 and RW-2 are admitted
20 into evidence.

21 (Whereupon Halo Exhibit 1.0 was
22 admitted into evidence.)

1 JUDGE VON QUALEN: Thank you. I believe that
2 concludes the presentation for today. I did want to
3 mention to the parties that after the evidentiary
4 hearing next week, we will be planning for the
5 briefing schedules so parties should be thinking
6 about the amount of time.

7 And I would ask that the parties work
8 together to create an agreed-to table of contents so
9 that the briefs -- when I read the briefs I
10 understand what each party's position is for
11 particular issues.

12 And the other thing I would ask for is
13 either a list of agreed facts or else in the table of
14 contents for the brief for it to be clearly
15 enunciated uncontested issues versus contested
16 issues. It appears that some of the facts may be
17 uncontested whereas some of the conclusions the
18 parties draw from the facts are quite contested. So
19 it would be very helpful for me for those to be
20 delineated clearly.

21 And is there any estimates for next
22 week as far as how much cross there will be for the

1 remaining witnesses?

2 MR. FRIEDMAN: I expect that AT&T will have
3 some cross examination for Mr. Johnson, less than an
4 hour.

5 JUDGE VON QUALEN: And for Halo?

6 MR. McCOLLOUGH: Your Honor, if I could jump
7 back in, this is Scott McCollough.

8 JUDGE VON QUALEN: Certainly.

9 MR. McCOLLOUGH: Ms. Larson and I have yet to
10 decide which of us draws the black bean for the
11 remaining -- each of the respective remaining
12 witnesses. But as the cases have gone in the other
13 states, it has usually been, oh, maybe an hour for
14 each. I guess we are in the fortunate position that
15 all sides are really starting to kind of get this
16 dance down a little bit. So, you know, I would
17 expect that our portion of the cross examination of
18 the two AT&T witnesses, assuming the testimony is
19 admitted, is probably going to be somewhere, if not a
20 little bit longer, than two hours.

21 JUDGE VON QUALEN: Thank you. And does either
22 party intend to have any cross for the Staff witness

1 Dr. Zolnierrek.

2 MR. MCCOLLOUGH: Yes, my estimate was
3 independent of that. We have yet to -- figure out
4 how we are going to handle that.

5 JUDGE VON QUALEN: I am sorry, but you cut out
6 again and I couldn't understand you.

7 MR. MCCOLLOUGH: I am sorry, my prior estimate
8 was not inclusive of the Staff testimony. That would
9 probably be somewhere around 30 minutes or 45
10 minutes, although we can try to keep it as limited as
11 possible.

12 MR. LANNON: And, Your Honor, Mike Lannon here.
13 Staff will have at least at this point in time
14 roughly 45 minutes for Mr. Johnson.

15 JUDGE VON QUALEN: Thank you. Is there
16 anything further that needs to be discussed this
17 afternoon?

18 MS. LARSON: Your Honor, Jennifer Larson for
19 Halo, again. As I noted in my e-mail on Sunday, we
20 did not provide additional exhibits that may be used
21 at the next hearing. So could we agree that we will
22 e-mail that, similar to how we did for this exhibit

1 list, by Friday at noon?

2 JUDGE VON QUALEN: Any objection to that?

3 MR. FRIEDMAN: None from here.

4 MR. LANNON: None from here.

5 JUDGE VON QUALEN: Very well. And is it Halo's
6 intent to be here on the 13th of June?

7 MS. LARSON: Yes, Your Honor.

8 MR. FRIEDMAN: I am sorry, I just have a quick
9 question that has to do with scheduling. I don't
10 remember kind of what the normal turnaround time for
11 transcripts is.

12 COURT REPORTER: Ten working days.

13 MR. FRIEDMAN: Ten working days, okay.

14 JUDGE VON QUALEN: This matter is continued to
15 June 13, 2012, at 10:00 a.m. Thank you, all.

16 (Whereupon the hearing in this
17 matter was continued until June
18 13, 2012, at 10:00 a.m. in
19 Springfield, Illinois.)

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